

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

CONNIE HARRIS, KRISTI SCOCCO,
SUSAN SARTAIN, MARY MIHOVILICH,
DAVID ASUNCION, BRIAN JAEGER,
JUDY JAEGER, MARY CANTU,
KRISTEN WEISE, DAIN PEEZ,
KATRINA JOHNSON, CATHERINE
CLEMENS, MARK MILLER, MARY
MIOTKE, DALE DOYON, AARON
HEINTZMAN, SARA MCNAMARA,
ERIN BAST, and MARIA SAGISI GEISS,
as individuals,

Plaintiffs,

v.

U.S. BANKCORP, BANK OF AMERICA,
N.A., & KEYCORP, national banking
associations,

Defendants.

Case No.: 2:19-cv-291-BJR

**STIPULATION &
ORDER CONTINUING TRIAL AND
EXTENDING DEADLINES**

Noted for Hearing:

October 29, 2019

Stipulation

The parties, through their respective counsel, hereby STIPULATE and AGREE as follows:

1. On or about February 28, 2019, Plaintiffs filed their Complaint in this matter, Case No. 2:19-cv-291-BJR. (Dkt. #1.)

2. On or about April 1, 2019, Defendant KeyCorp. filed a motion to dismiss Plaintiffs' Complaint. (Dkt. #10.)

1 3. On or about April 11, 2019, Plaintiffs filed a Motion for Leave to File First
2 Amended Complaint. (Dkt. #11.)

3 4. On or about May 8, 2019, the Court issued its Standing Order, which scheduled
4 several deadlines. (Dkt. #19.)

5 5. On June 17, August 1, and September 13, 2019, the parties filed joint stipulations
6 and proposed Orders extending the deadline to file Amended Pleadings. (*See* Dkts. #22, 26, 31.)
7 On each occasion, the parties noted that, without the benefit of the Court's ruling on motions
8 before it, the parties were unable to effectively conduct pretrial discovery, to effectively prepare
9 expert witnesses, and to amend their pleadings to assert counterclaims, cross claims, or third-party
10 claims. In addition, the parties were unable to fully analyze potential pretrial resolution issues.
11 (*See* Dkts. #22, 26, 31.)

12 6. The Court granted each stipulation. (*See* Dkt. #25, 28, 32.)

13 7. On or about October 18, 2019, Defendants filed a joint letter with the Court
14 requesting a decision on motions pending before the Court. (Dkt. #33.)

15 8. On October 25, 2019, the Court issued an order on Plaintiffs' motion for leave to
16 file a First Amended Complaint and on KeyCorp.'s motion to dismiss. (Dkt. #34.)

17 9. The Court's October 25, 2019 order granted Plaintiffs' motion for leave to amend
18 and analyzed KeyCorp.'s motion to dismiss against Plaintiffs' First Amended Complaint.
19 (Dkt. #34 at p. 4 ("The Court considers KeyCorp's motion to dismiss as applied to Plaintiffs'
20 amended complaint.").) The Court proceeded to grant in part and to deny in part KeyCorp.'s
21 motion to dismiss. (Dkt. #34 at p. 17.)

22 10. Now, the parties have an operative complaint. (*See* Dkt. #34 at p. 17; Dkt. #11-1.)
23 The parties, however, have been without an operative complaint since April 2019 (or six months
24 and 14 days, from April 11, 2019 until October 25, 2019). The parties have not had effective time
25 to conduct pretrial discovery, expert witness preparation, and to amend the pleadings to assert
26 counterclaims, cross claims, or third-party claims, which may require discovery.

11. The parties have conferred and agree that a trial continuance is proper and thus seek to continue the current trial date and related pretrial deadlines. Accordingly, the parties, through their respective counsel, hereby **STIPULATE** and request that the Court enter an Order CONTINUING the current June 8, 2020 trial date as well as pretrial dates before it, and enter an Order scheduling trial and pretrial deadlines as follows:

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|-----|-----------------------------|------------------------|
| (A) | Trial Date: | August 10, 2020 |
| (B) | Amended Pleading Deadline: | November 11, 2019 |
| (C) | Expert Reports: | January 14, 2020 |
| (D) | Discovery Completed by: | February 12, 2020 |
| (E) | Dispositive Motion Filings: | March 13, 2020 |
| (F) | Motion in Limine Filing: | July 6, 2020 |
| (G) | Joint Pretrial Statement: | July 16, 2020 |
| (H) | Pretrial Conference: | July 28, 2020 |
| (I) | Length of Trial: | 10 – 15 Days |

12. The parties' counsel have conferred over their trial calendars. If the Court elects to schedule a new trial date that is different from the one proposed, then the parties request that the Court consider that the earliest date after August 10, 2020 that all counsel would be available for trial in this matter would be November 9, 2020. The parties request that the Court consider the following conflicts of counsel for scheduling purposes:

- Counsel to defendant KeyCorp. is unavailable between June 15, 2020 and July 17, 2020 because of a state court trial and a private securities arbitration.
- Counsel to defendant Bank of America is unavailable July 1, 2020 through July 31, 2020 because of trials scheduled in other matters.
- Counsel to defendant U.S. Bank has a seven-week trial starting September 14, 2020 and thus is unavailable between September 14, 2020 and November 2, 2020.

So Stipulated.

1 Dated this 29th day of October 2019.

2 **McDougald Law Group P.S.**

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4 /s/Trent M Latta
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1 **ORDER**

2 Based on the foregoing Stipulation of the Parties, the Court hereby issues the following

3 **ORDER:**

4 (A) The Parties' current trial dates is hereby STRICKEN and
5 rescheduled to begin at 9:30 a.m. on **August 10, 2020**.

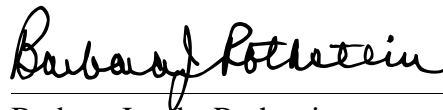
6 (B) The Court hereby sets the following pretrial deadlines:

7 Deadline for filing amended pleadings	November 11, 2019
8 Reports from expert witnesses under FRCP 26(a)(2) due	January 14, 2020
9 Discovery completed by	February 12, 2020
10 All dispositive motions must be filed by	March 13, 2020
11 All motions <i>in limine</i> must be filed by	July 6, 2020
12 Joint Pretrial Statement	July 16, 2020
13 Pretrial conference	11:00 a.m. 14 July 27, 2020
15 Length of Bench Trial	10 – 15 DAY

16 (C) All other dates, deadlines, and rulings made in the Court's
17 May 8, 2019 Standing Order, (Dkt. #19), that do not conflict with
18 this Order remain the same.

19 **SO ORDERED.**

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21 Dated this 31st day of October 2019.

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24 Barbara Jacobs Rothstein
25 U.S. District Court Judge
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